



Patrick H. Merrick, Esq.  
Director – Regulatory Affairs  
AT&T Federal Government Affairs

Suite 1000  
1120 20th Street NW  
Washington DC 20036  
202 457 3815  
FAX 202 457 3110

January 21, 2004

**Via Electronic Filing**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *Notice of Ex Parte Presentation*: CC Docket Nos. 01-92 and 96-262.

Dear Ms. Dortch;

Yesterday, January 20, 2004 Robert Quinn Jr. and I met with Matthew Brill, Senior Legal Advisor to Commissioner Kathleen Q. Abernathy to discuss the above mentioned petitions. AT&T urged the FCC to deny the US LEC petition as it seeks the ability to impose additional access charges on interexchange carriers, when in fact, the CLEC provides no access service or functionality. Where a CLEC simply inserts itself between the CMRS provider and the ILEC tandem, it provides no genuine access function and should not be permitted to charge the interexchange carrier access. In the situation where a CLEC actually replaces the ILEC in providing the tandem switching or other genuine access functions, the CLEC should only be permitted to charge the ILEC rate for the access functions that are actually being performed by the CLEC, not the full CLEC benchmark rate as requested by US LEC.

The positions expressed by AT&T were consistent with those expressed in their previous filings in the above referenced proceedings.

Consistent with the Commission rules, I am filing one electronic copy of this notice and request that you place it in the record of the proceedings.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick H. Merrick".

CC: Matthew Brill